

APPENDIX

III

Attorney Docket: 845-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):Kuighadush

Group Art Unit: 3727

Serial No.: 09/669,245

Examiner: Moy, J.

Filed: September 25, 2000

For: RETRACTABLE STRAW FOR DRINKING CONTAINERS

DECLARATION OF DANIEL KAMEL, Under 37 C.F.R. § 132

I, Daniel Kamel, declare as follows:

1. I am presently employed as an Architectural Designer at Dargah Design. I hold a Bachelor of Science degree (1986) in Architecture from City University of New York. I have extensive experience in architecture, specifically residential design.

2. During my academic studies and professional career I have been involved in numerous architectural designs. My projects involved extensive amount of drawing and drafting, either manually or by computer software. This experience allows me to understand and interpret structural drawings.

3. I have reviewed the above-identified patent application, including the claims, and the Examiner's comments in his Office Action dated March 10, 2003.

4. Specifically, with respect to claim 15 of the application, the claim calls for an extendable straw, wherein the lower portion of the straw “extends downwardly against said first side wall, and wherein said upper portion is coupled with an inner side of said cap....” The Examiner states that this claim feature is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed has possession of the invention.
5. The Examiner further states that Figures 9A and 9B only show interrupted lines to indicate a straw is broadly located inside the container. According to the Examiner, the specific orientation of the lower portion of the straw is not shown.
6. In my opinion, Figures 9 A and 9 B of the application clearly show that the straw is attached to the inner part of the box. This follows because the dotted lines depicting the straw are extended in parallel with both sides of the surface of the wall the straw extends along. do not exhibit any ambiguity. They clearly illustrate a straw that extends against the wall of the container. The dotted lines depicting the straw are extended in parallel with both sides of the surface of the wall the straw extends along.
7. This conclusion is even more apparent from Figs. 8A and 8B, wherein the straw is depicted as a straw that is floating within the container. In contrast with Figs 9A and 9B, the dotted lines representing the straw are not parallel with none of the sides of the surface of the walls of the container. Thus Figs. 8A and 8B show that the straw is floating, while Figs. 9A and 9B show that the straw is attached.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 502.8, 2003

Daniel Kamci

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